

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Douglas A. Kelley, *in his capacity as
the Trustee of the BMO Litigation Trust,*

Case No. 19-cv-1756 (WMW)

Plaintiff,

v.

**SPECIAL VERDICT
FORM**

BMO Harris Bank N.A., *as successor
to M&I Marshall and Ilsley Bank,*

Defendant.

We, the jury in this case, unanimously make these answers to the following questions:

Count I: Minnesota Uniform Fiduciaries Act

Question No. 1: Do you find in favor of Plaintiff and against Defendant on Count I, which alleges a violation of the Minnesota Uniform Fiduciaries Act?

Answer: Yes_____ No_____

Count II: Breach of Fiduciary Duty

Question No. 2: Do you find in favor of Plaintiff and against Defendant on Count II, which alleges breach of fiduciary duty?

Answer: Yes_____ No_____

Count III: Aiding and Abetting Fraud

Question No. 3: Do you find in favor of Plaintiff and against Defendant on Count III, which alleges aiding and abetting fraud?

Answer: Yes_____ No_____

Count IV: Aiding and Abetting Breach of Fiduciary Duty

Question No. 4: Do you find in favor of Plaintiff and against Defendant on Count IV, which alleges aiding and abetting breach of fiduciary duty?

Answer: Yes_____ No_____

Answer Question Nos. 5 and 6 only if you answered “Yes” to at least one of the previous four questions (Question Nos. 1, 2, 3 or 4).

If you answered “No” to all of the previous questions (Question Nos. 1, 2, 3 and 4), do not answer any more questions on this Special Verdict Form. Have your foreperson sign and date this form on page 5.

Compensatory Damages

Question No. 5: What sum of money will fairly and adequately compensate Plaintiff for any harm arising from any claim or claims on which you have found in favor of Plaintiff?

\$_____

(state amount or, if none, write the word “none”)

Punitive Damages

You may not award punitive damages against the Defendant unless you have first found against the Defendant on at least one of Plaintiff's claims by answering "Yes" to at least one of the first four questions (Question Nos. 1, 2, 3 or 4), and you have provided an answer to Question No. 5.

If you answered "No" to all of the first four questions (Question Nos. 1, 2, 3 and 4), and you have not provided an answer to Question No. 5, do not answer Question No. 6. Have your foreperson sign and date this form on page 5.

Question No. 6: We assess punitive damages against Defendant in the amount of:

\$ _____

(state amount or, if none, write the word "none")

FOREPERSON SIGNATURE

We, the jury, have answered the foregoing questions as indicated and return the same to the Court as our verdict.

Dated: _____ Foreperson: _____